

Agenda Item 19.

Development Management Ref No	No weeks on day of committee	Parish	Ward	Listed by:
O/2014/1944	47	Swallowfield	Swallowfield	Head of DM

Applicant	Mr D. Evans	
Location	Balcombe Nurseries, Basingstoke Road, Swallowfield	Postcode RG71PY
Proposal	Proposed erection of 3 dwellings with garages and a balancing pond (means of access to be considered)	
Type	Outline application	
PS Category	13	
Officer	Jennifer Seaman	

FOR CONSIDERATION BY	Planning Committee on 22 nd July 2015
REPORT PREPARED BY	Head of Development Management and Regulatory Services

SUMMARY

The proposal is an outline application for the erection of three dwelling houses and means of access only is to be determined.

The site is in the countryside and the proposal for residential development is contrary to local and national planning policies. There are considered to be reasons to approve the planning application even though it is contrary to planning policy, hence the application is being reported to the planning committee.

The reasons for recommending approval will be discussed in more detail in the report, but in summary the reasons are as follows:-

- There is a long planning history on the site which includes an extant planning permission for a garden centre
- Planning Inspectors have differed in their views on whether the garden centre represents a genuine fallback which would ever be implemented in full. The Inspector who considered the most recent appeal in 2009 did consider that there was a possibility of the garden centre consent being implemented in full and this is a material planning consideration.
- In this case the applicant has provided 7 letters dated 2014 and 2015 from people confirming interest in using the site; it does at least indicate that the applicant has had discussions about the establishment of a garden centre on the site. It should be noted that these letters were not submitted with the application, but only after concerns were raised about whether there was a fallback position, but it is not unusual for further information to be submitted in this way to address concerns raised by a planning officer. Also, the letters expressing interest in using the site are the result of informal approaches by the applicant: it seems very likely that an extensive marketing exercise, as suggested by the appeal inspector in 2009, would result in a greater number of people being interested in using the site as a garden centre or potentially other commercial uses. It is therefore considered that the fallback position is a realistic one.

- There were no conditions restricting the use of the site to a garden centre only, and therefore if the garden centre permission is implemented in full it would be possible for an unrestricted Class A1 use to move onto the site at a future date. Although it should also be recognised that garden centre buildings may be unsuitable for uses such as conventional superstores or retail warehouses.
- The Inspector in the 1999 appeal that rejected 3 houses stated that the proposal was marginally more harmful than the garden centre use; since 1999 there have been changes both in terms of use of the site approved under subsequent planning consents and also in terms of how garden centres operate.

The illustrative plans have been amended to remove a large number of windows at first floor level so that the proposed buildings have more of a rural appearance and have been sited slightly differently to reduce the appearance of a uniform group of dwellings around a cul-de-sac (which was specifically criticised in a number of appeal decisions). On this basis it is considered the illustrative layout demonstrates that three dwellings could be satisfactorily accommodated on the site.

The proposal will also include a balancing pond at the front of the site and the remainder of the rear of the site will be left open. These features will enable the proposal to incorporate ecological and landscape improvements on the site.

The proposal is therefore recommended for approval because of the particular circumstances on this site, which in summary is that the site has a part implemented scheme for a garden centre and a fallback position, and three dwellings with the landscape and ecological improvements that can be provided would be less harmful in the countryside than a garden centre.

PLANNING STATUS

- Countryside
- Thames Basin Heaths SPA 5/7KM
- Affordable Housing Threshold
- Nuclear Consultation Zone

RECOMMENDATION

APPROVAL, subject to the following conditions:-

1. No development shall commence until details of the appearance, landscaping, layout and scale (hereinafter called “the reserved matters”) have been submitted to and approved in writing by the local planning authority and the development shall be carried out as approved.

Reason: In pursuance of s.92 of the Town and Country Planning Act 1990 (as amended by s.51 of the Planning and Compulsory Purchase Act 2004).

2. Application for the approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. The development hereby approved shall begin no later than two years from the date of approval of the last reserved matters to be approved.

Reason: In pursuance of s.92 of the Town and Country Planning Act 1990 (as

amended by s.51 of the Planning and Compulsory Purchase Act 2004).

3. The details to be submitted pursuant to condition no. 1 above shall incorporate details of the siting and design of the dwellinghouses (as the illustrative plans were not considered acceptable); an up to date FRA and details of drainage measures (as refusal was recommended for the details that have been submitted); existing and proposed ground levels; and management and maintenance arrangements for the ecological area to the rear of the houses.
4. Prior to the commencement of the development there shall be submitted to and approved in writing by the local planning authority a scheme of landscaping, which shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted, and any existing trees or shrubs to be retained.

Planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the occupation of the building(s).

Any trees or plants which, within a period of 5 years from the date of the planting (or within a period of 5 years of the occupation of the buildings in the case of retained trees and shrubs) die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species or otherwise as approved in writing by the local planning authority.

Reason: To ensure adequate planting in the interests of visual amenity. Relevant policy: Core Strategy policy CP3 and Managing Development Delivery Local Plan policies CC03 and TB21 (and TB06 for garden development)
5. No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted wilfully damaged or destroyed, cut back in any way or removed without previous written consent of the local planning authority; any trees, shrubs or hedges removed without consent or dying or being severely damaged or becoming seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species unless the local planning authority gives written consent to any variation.

Reason: To secure the protection throughout the time that development is being carried out, of trees, shrubs and hedges growing within the site which are of amenity value to the area. Relevant policy: Core Strategy policy CP3 and Managing Development Delivery Local Plan policies CC03 and TB21
- 6a). No development or other operation shall commence on site until an Arboricultural Method Statement and Scheme of Works which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site in accordance with BS5837: 2012 has been submitted to and approved in writing by the local planning authority. No development or other operations shall take place except in complete accordance with the details as so-approved (hereinafter referred to as the Approved Scheme).
- b) No operations shall commence on site in connection with development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening or any other operation involving use of motorised vehicles or construction machinery) until the tree protection

works required by the Approved Scheme are in place on site.

- c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within an area designated as being fenced off or otherwise protected in the Approved Scheme.

The fencing or other works which are part of the Approved Scheme shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior approval in writing of the local planning authority has first been sought and obtained.

Reason: To secure the protection throughout the time that the development is being carried out of trees shrubs or hedges growing within or adjacent to the site which are of amenity value to the area, and to allow for verification by the local planning authority that the necessary measures are in place before development and other works commence Relevant policy: Core Strategy policy CP3 and Managing Development Delivery Local Plan policies CC03 and TB21

7. Prior to the commencement of the development a landscape management plan, including long term design objectives, management responsibilities, timescales and maintenance schedules for all landscape areas, other than privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved.

Reason: In order to ensure that provision is made to allow satisfactory maintenance of the landscaping hereby approved. Relevant policy: Core Strategy policy CP3 and Managing Development Delivery Local Plan policies CC03 and TB21

8. No development shall take place on the site until the existing structure shown to be demolished on the approved plan has been so demolished. All materials arising from the demolition of buildings on the site shall be permanently removed from the site.

Reason: In the interests of the amenity of the countryside. Relevant policy: Core Strategy policies CP1, CP3, CP11, CP12 and Managing Development Delivery Local Plan policies TB01 / TB21.

9. No development shall take place until a measured survey of the site and a plan prepared to scale of not less than 1:500 showing details of existing and proposed finished ground levels (in relation to a fixed datum point) and finished roof levels shall be submitted to and approved in writing by the local planning authority, and the approved scheme shall be fully implemented prior to the occupation of the building(s).

Reason: In order to ensure a satisfactory form of development relative to surrounding buildings and landscape. Relevant policy: Core Strategy policies CP1 and CP3 and Managing Development Delivery Local Plan policy TB21.

10. Before the development hereby permitted is commenced, samples and details of the materials to be used in the construction of the external surfaces of the building/s shall have first been submitted to and approved in writing by the local

planning authority. Development shall not be carried out other than in accordance with the so-approved details.

Reason: To ensure that the external appearance of the building is satisfactory.

Relevant policy: Core Strategy policies CP1 and CP3

11. Before the development hereby permitted is commenced details of all boundary treatment(s) shall first be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development or phased as agreed in writing by the local planning authority. The scheme shall be maintained in the approved form for so long as the development remains on the site.

Reason: In the interests of amenity and highway safety.

Relevant policy: Core Strategy policies CP1, CP3 and CP6

12. No work relating to the development hereby approved, including works of demolition or preparation prior to building operations, shall take place other than between the hours of 08:00 and 18:00 Monday to Friday and 08:00 to 13:00 Saturdays and at no time on Sundays or Bank or National Holidays.

Reason: To protect the occupiers of neighbouring properties from noise and disturbance outside the permitted hours during the construction period. Relevant policy: Core Strategy policies CP1 and CP3 and Managing Development Delivery Local Plan policy CC06.

13. No part of any building(s) hereby permitted shall be occupied or used until vehicle parking and turning space has been provided in accordance with details to be submitted to and approved in writing by the local planning authority. The vehicle parking and turning space so-approved shall be retained in accordance with the approved details and the parking space remain available for the parking of vehicles at all times and the turning space shall not be used for any purpose other than vehicle turning.

Reason: To provide adequate off-street vehicle parking and turning space and to allow vehicles to enter and leave the site in a forward gear in the interests of road safety and convenience and providing a functional, accessible and safe development and in the interests of amenity. Relevant policy: Core Strategy policies CP3 & CP6 and Managing Development Delivery Local Plan policy CC07.

14. Prior to the commencement of the development hereby permitted details of secure and covered bicycle storage/ parking facilities for the occupants of [and visitors to] the development shall be submitted to and approved in writing by the local planning authority. The cycle storage/ parking shall be implemented in accordance with such details as may be approved before occupation of the development hereby permitted, and shall be permanently retained in the approved form for the parking of bicycles and used for no other purpose.

Reason: In order to ensure that secure weather-proof bicycle parking facilities are provided so as to encourage the use of sustainable modes of travel. Relevant policy: NPPF Section 4 (Sustainable Transport) and Core Strategy policies CP1, CP3 & CP6 and Managing Development Delivery Local Plan policy CC07.

15. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to

throughout the construction period. The Statement shall provide for:

- i) the parking of vehicles of site operatives and visitors,
- ii) loading and unloading of plant and materials,
- iii) storage of plant and materials used in constructing the development,
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate,
- v) wheel washing facilities,
- vi) measures to control the emission of dust and dirt during construction,
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In the interests of highway safety & convenience and neighbour amenities. Relevant policy: Core Strategy policies CP3 & CP6.

16. Notwithstanding the provisions of Classes A, B, C, D, E, F and G of Part 1 of the Second Schedule the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no buildings, enlargement or alterations permitted shall be carried out without the express permission in writing of the local planning authority.

Reason: To safeguard the character of the area / Countryside / Green Belt [delete as appropriate] and neighbouring amenities.

Relevant policy: [NPPF Section 9 (Protecting Green Belt Land) – delete as appropriate], Core Strategy policies CP1 and CP3 [and CP11, CP12 – delete as appropriate], and Managing Development Delivery Local Plan policy TB21 [and TB01 – delete as appropriate]

17. Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by the Local Planning Authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Reason: The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

18. No development shall take place until a scheme to deal with contamination of the site has been submitted to and approved in writing by the local planning authority. The scheme shall include an investigation and assessment to identify the extent of any contamination and the measures to be taken to avoid risk when the site is developed. Development shall not commence until the measures approved in the scheme have been implemented.

Reason: To ensure that any contamination of the site is identified at the outset to allow remediation to protect existing/proposed occupants of property on the site and/or adjacent land. Relevant policy: NPPF Section 11 (Conserving and Enhancing the Natural Environment) and Core Strategy policies CP1 & CP3.

19. No other development of the site shall commence until improved pedestrian access has been provided in accordance with details to be submitted and approved by the LPA. The scheme shall include provision of a dropped footway

crossing to the east of Basingstoke Road'

Reason: In the interest of highway safety and sustainable travel

Informatives

1. The development hereby permitted is liable to pay the Community Infrastructure Levy. The Liability Notice issued by Wokingham Borough Council will state the current chargeable amount. A revised Liability Notice will be issued if this amount changes. Anyone can formally assume liability to pay, but if no one does so then liability will rest with the landowner. There are certain legal requirements that must be complied with. For instance, whoever will pay the levy must submit an Assumption of Liability form and a Commencement Notice to Wokingham Borough Council prior to commencement of development. For more information see - <http://www.wokingham.gov.uk/planning-and-building-control/development/community-infrastructure-levy/>
2. Whilst the development does not fully accord with the policies contained within the development plan, material considerations / the particular circumstances as they relate to this case, warrant a different decision being taken. The reasons for this are set out in the officer report.
3. The applicant is reminded that this approval is granted subject to conditions which must be complied with prior to the development starting on site. Commencement of the development without complying with the pre-commencement requirements may be outside the terms of this permission and liable to enforcement action. The information required should be formally submitted to the Council for consideration with the relevant fee. Once the details have been approved in writing the development should be carried out only in accordance with those details. If this is not clear please contact the case officer to discuss.
4. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant in terms of:
 - addressing the issue of whether there is a legitimate fallback position with respect to the extant garden centre consent
 - planning issues relating to ecology, access to the rear of the site and management of the area;
 - addressing concerns relating to siting and design of the buildings to ensure that the buildings appear as rural buildings and integrate with the pattern of development in the area;
 - advising of the introduction of CILThe decision to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the NPPF is considered to be a positive outcome of these discussions.
5. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

PLANNING HISTORY

There is an extensive planning history for the appeal site since the 1960's. The most relevant planning applications from the 1990's are listed below.

37103

Redevelopment of existing garden centre to provide a replacement facility. The proposal showed existing buildings with a floorspace of 902sqm to be demolished, replaced by new sales centre buildings totalling 1,339sqm. Granted 13/3/91.

40500

Redevelopment of the garden centre including construction of garden centre sales building comprising:-

- Construction of five single storey glasshouse bays of 896sqm floorspace,
- Retention of Mowrite workshop
- Temporary retention of showroom building
- Access improvement and provision of car parking
- Display area for plants, shrubs, trees, conservatories, camping and garden sheds and extensive new planting to form buffer strips with adjoining residential properties was approved in 1993.
- The plans show designated areas for:
 - Mower display
 - Caravans, tents, camping
 - Conservatories
 - Outside display
 - Shed display

Planning permission 40500 was granted because it would remove unsightly buildings, particularly conservatories, etc. displayed near Basingstoke Road and provide new fencing and buffer strip planting to separate commercial uses from adjoining residential properties.

F/1996/63285

Proposed erection of 25 detached dwellings. Refused 13/5/1996.

An appeal was subsequently dismissed on 4 March 1997. The Inspector stated that although the site appeared as part of the surrounding residential area, it benefited from an extant planning permission that would increase the intensity of development.

The Inspector considered that the garden centre scheme would be largely rural in character while the houses would be essentially suburban. While the appeal site is well screened from the north and west, the land is clearly visible from Basingstoke Road and the Inspector considered that the scheme would intensify the existing sporadic development and lead to a significant urbanisation of the character and appearance of the rural gap separating Swallowfield and Riseley.

V/1997/66449

Approved 27/02/1998

Proposed relaxation of conditions 1 and 3 of consent 40500 for :

- Extension of time for commencement of development for further five years (condition 1)
- Removal of condition 3 relating to removal of the showroom building.

F/1998/68734

Erection of 6 detached dwellings and garages. Demolition of redundant building.

Refused 9/2/99.

F/1999/69285

Erection of 3 detached dwellings, 2 garages and associated works. Refused 5/5/99.

Site layout of 3 house scheme shown below:-



Appeals were lodged in respect of both F/1998/68734 and F/1999/69285 and considered at a Public Inquiry. Both appeals were dismissed on 29 September 1999. Comments made by the Inspector are relevant to the consideration of the current application and include the following:-

- The cul-de-sac nature of the new layouts would contrast unfavourably with the road frontage settings of existing houses and would serve to extend residential activities into the countryside.
- Both proposed developments would have an urbanising effect at odds with the character of the site and much of its surroundings threatening the “green wedge” or “gap” area and damaging to the countryside
- Much of the evidence involved comparison of the extant planning permission for a garden centre and the proposed developments such that the Inspector needed to form a view on the impact of a garden centre and the likelihood of it being developed, in order to ascribe a weight to the “fallback” position
- The garden centre structures would be of less bulk, lower, and more rural in nature than the proposed dwellings.

- There would be a significantly greater proportion of hardstanding in the garden centre alternative, but this would be used for parking and moveable displays and would not have a great effect on openness
- In comparing the appearance and usage of the alternatives (residential or a garden centre) the Inspector considered that the residential proposals would be “marginally more harmful than the permitted “fallback” development which however is unlikely to take place”.
- The site had been largely unused for four or five years. There is little evidence that it has been marketed as a garden centre. The letter to the appellant dated 9 July 1999 from an established garden centre operator states that the area is well served by a number of large and well established garden centres. There is no evidence of any other inquiries regarding redevelopment of the site as a garden centre. It is possible that this may occur during the life of the planning permission, but on the balance of evidence I consider that it is unlikely.
- The proposals are not for an essentially rural type of development, nor are they for redevelopment of buildings.
- Considered that the proposed developments would not constitute exceptions to countryside policy and would be harmful to the character and appearance of the surrounding area. They would be marginally more harmful than the permitted “fallback” development which however is unlikely to take place.
- The Inspector considered that the bus service would be adequate to cater for the proposed developments and that the journeys which would be generated by a 3 or 6 house development would result in a significant change to car travel in the area.

F/2002/6245

Proposed redevelopment of garden centre, reuse of buildings, access improvement, parking and landscaping. The application was refused on 14/6/02 and a subsequent appeal withdrawn.

CLE/2002/7744

Application for Certificate of Lawful existing use of land as garden centre. Approved 21/2/03.

The certificate of Lawful existing use was not approved for the whole of the Balcombe Nurseries site. The certificate covered only the front part of the site, with the rear of the site running roughly in line with the rear of the adjoining buildings Balcombe Lodge and Uplands.

In the case officers report for the Certificate, it states that the site has not been used as a garden centre since 1993/4, and before this time used not the whole site but the small area to the front of the site. It is also stated in this report that although planning applications had been submitted in the past for the redevelopment of the site, these do not show an intention to continue using the site, as there had been other uses and planning applications for housing at the site.

Questions had also been raised about the previous use of the site, which was described as a garden nursery rather than a garden centre.

F/2003/0044

Proposed erection of replacement workshop and store building plus demolition of existing building. This application was for a building with a floor area of 372sqm to replace the existing Mowrite building which was not considered to be significantly different than the building approved under consent 40500. Approved 4/11/2003.

VAR/2003/0380

Condition 9 stated that “The retained workshop and showroom buildings shall be occupied by Mowrite only and shall be used for the purpose of sales and repairs of garden tools and machinery only. The buildings shall not be used for any other occupier nor for any other purposes without written permission of the District Planning Authority”.

Removal of this condition was approved as Mowrite, whose business was the sale, repair and maintenance of garden machinery, no longer owned the site. Approval was given subject to conditions including that both buildings be used only for purposes ancillary to the use of the site as a garden centre, that the Mowrite workshop be used only for B1(c) or B8, and that neither building be used for B2 use.

F/2003/9191

Proposed erection of replacement workshop and store building. Demolition of existing building. The application was recommended for refusal but withdrawn from the committee meeting. An appeal against non-determination was subsequently withdrawn.

VAR/2003/9521

Proposed variation to condition 11 of consent 40500 to amend the schedule of goods sold and areas within the garden centre sales building to include the sale of conservatories and garden buildings. Approved 12/8/03.

Condition 11 of 40500 states: “The goods sold and the areas of use within the garden sales building shall be limited to those shown on the approved drawing no. 3845:92x:2A. In particular the sale of farm products shall be limited to goods for use by farms and there shall be no sales of food for human consumption from the building without prior permission of the District Planning Authority”.

The proposal did not change the built form on site but adds to the list of what can be sold within the garden centre sales building to include sale of conservatories and garden buildings.

VAR/2004/1391

Proposed variation of conditions 12 and 16 of consent 40500 to allow a substitute of layout plan. Approved 22/4/04.

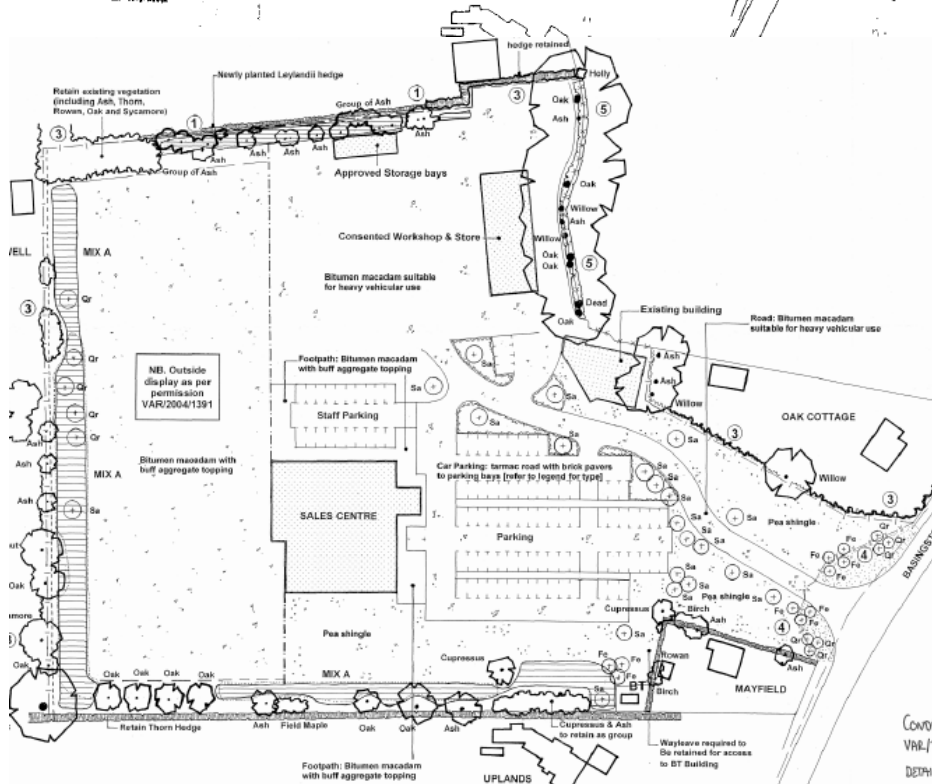
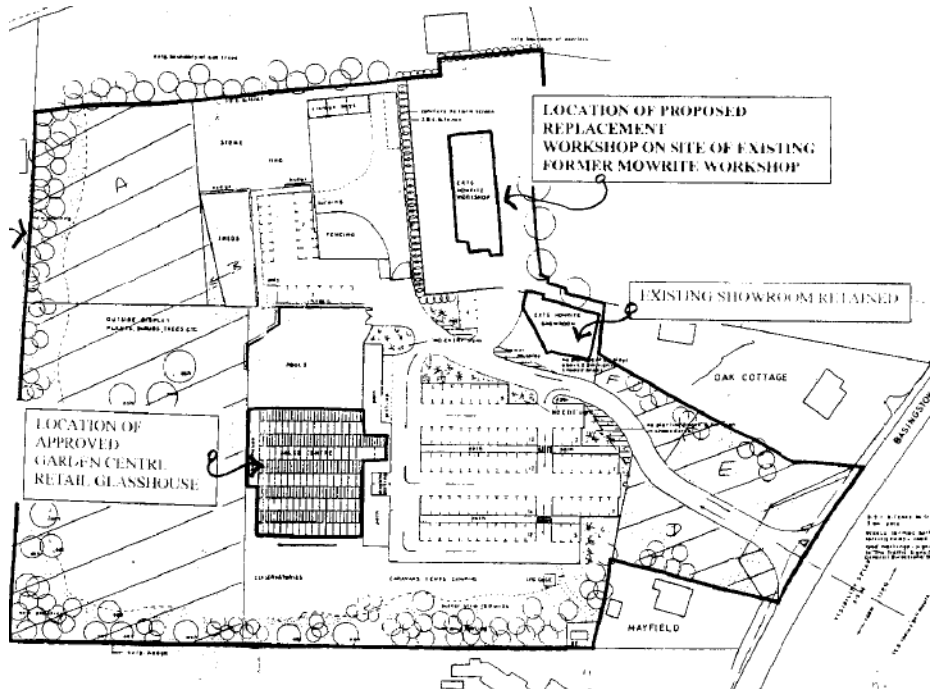
The proposal allowed more flexibility with regard to where various activities take place on the site, with the approved plans allowing various activities to take place on most parts of the site. The applicant had indicated that the approved layout no longer met the applicants or modern garden centre requirements.

This allowed the rear part of the site (previously shown primarily for the outdoor display of plants) to be used for all items pertaining to a garden centre use, e.g. conservatories, caravans, fencing and plants.

There is also a condition that no more than 10% of the site area was to be used for the

outside display of caravans, camping goods/equipment and tents and that furthermore these should not be displayed within the front part of the site adjacent to the access road.

The comparison between the older consent and the variation in 2004 is shown below. The original consent is shown first.



It should be noted that the new layout shows more parking and the extent of the site were more outside storage of structures such as conservatories, (although no more than 10% of the area could be used to display caravans) and fencing could be displayed.

F/2005/6160

Change of use from garden centre to builders yard. Refused 2/6/06.

F/2007/2197

Proposed change of use from garden centre to garden centre and builders merchants. Refused 17/10/07. An appeal was submitted and subsequently dismissed on 6 April 2009.

In this appeal the Inspector noted that a lack of development interest has been displayed since the principle of the appeal site's development as a garden centre was first accepted on 13 March 1991. He considered that given the level of investment expended on the appeal site since about 2005, if the appeal failed and with an extensive marketing exercise there was a reasonable likelihood its development potential as a garden centre would be realised in the foreseeable future.

The Inspector noted that the appearance of the appeal site reflected its somewhat complex planning history. He stated that apart from some retained boundary trees and other plants, a refurbished building located close to the northern boundary, and earth mounds that include some immature landscaping located close to the southern, western and northern boundaries, the appeal site has a relatively featureless tarmac and gravel surface.

SUMMARY INFORMATION

Proposed units: Three Dwellinghouses
 Proposed Bedrooms per unit: 3
 Number of Proposed parking spaces: 9
 Previous Land Use: Garden Centre

CONSULTATION RESPONSES

CONSULTATION RESPONSES	
Countryside Ranger (ecology)	No protected species or priority habitat concerns. There are ecology enhancements that can be built into the development.
Environment Agency	Application deemed to have a low environmental risk. Due to workload prioritisation, unable to make an individual response on this application.
Environmental Health	No knowledge of known pollution or contamination on this site but a precautionary approach should be adopted for sensitive proposals such as residential. Should contamination be encountered an assessment of potential contamination would be required (Condition 18).

Highways	<p>There is an existing access from the site onto Basingstoke Road which is to a good standard. While the access is over engineered for a residential development, there are no highways safety issues.</p> <p>Recommend that a condition is included to secure a scheme to provide improved pedestrian access (Condition 19).</p>
Land Use and Transport Team	<p>Whilst the application includes comparisons of the footprint and traffic flows between the approved garden centre and the proposed dwellings, there is no equivalent assessment of how changes in height, width and depth of the proposed dwellings (and consequential volume of development) compares with that approved in the garden centre. The information is necessary to ensure an assessment of the application against the criteria in Core Strategy policy CP11 can be made.</p> <p>The provision of additional information will allow consideration of differences in impacts of the proposed development on the character of the area compared to the fall back. See also decisions on recent development at New Mill House and implications of fall back position.</p> <p>It is also recognised that depending on conditions associated with the sale of goods at the garden centre, the loss of this approved retail site outside of a defined centre will support the councils strategy of seeking to concentrate retail expenditure to defined centres.</p>
Thames Water	<p>Thames Water have been unable to determine the waste water infrastructure needs of this application. Should the LPA be minded to approve the application, then request Grampian condition for a drainage strategy.</p> <p>No objection on the basis of water infrastructure capacity.</p> <p>Request informative on water pressure.</p>

Trees and Landscape	No objections but some concerns about size of houses, combined length of built form and the fact that no access shown to paddocks at rear of the dwellings.
WSP (Councils drainage consultant)	Recommend refusal due to insufficient information.

REPRESENTATIONS

Swallowfield Parish Council supports the planning application for the following (summarised) reasons:-

- Aware of strong local support as a better alternative to the fall back of a garden centre and believe WBC should take account of the strength of local support
- Believe the Design and Access Statement presents a very cogent and well argued case
- Application is an appropriate way of delivering environmental and sustainability improvements and resolving the long standing uncertainty over the future of the site
- The site has remained derelict for the last 20 years, past owners have spread tons of hard core and road planings or similar material over the site which has had the effect of turning the site into a brown field site
- Reinstating site to grassland, paddock and gardens would be a real benefit
- Site is flanked on 3 sides by houses so is not in open countryside
- Garden centre would harm amenities of neighbours
- Less car and lorry journeys
- Pleased to see flood risk measures
- Important that no more development than shown
- Design of adjoining houses should be taken into account

One letter of objection from the CPRE on the following grounds:-

- The land involved is classified as countryside
- The proposed development is contrary to the aims of Policy CP11 of the Wokingham Borough Local Plan (2010) and if permitted could set a dangerous precedent for the future
- There is ample development land available in Wokingham Borough via the 4 strategic development locations along with other sites
- Wokingham District CPRE asks the Borough Council to refuse this application.

36 Letters in support for the following (summarised) reasons:-

- Application fits in well with this semi-rural area and with existing properties
- Three houses more suitable than a garden centre
- Would improve the appearance of this site which at present is an eyesore/derelict
- In return for houses it is proposed to return the entire site to a well-managed rural area
- Will greatly enhance the street scene and improve the area, the site was untidy when

it was a nursery and site for small businesses

- The site is already flanked by houses on three sides
- Support the application for three houses but would not support any other changes such as more houses or using the pasture land for something else e.g. outhouses, garages, etc.
- Will improve drainage on the site. Understand that SPC Flood Resilience Group support the introduction of a balancing pond
- Proposed grassland/paddock would be an improvement and encourage wildlife
- The pond would allow for drainage of excess water, minimise the risk of flooding and encourage local wildlife
- Site should be treated as a brownfield site
- The option of a commercial use with increased and slow moving traffic pulling out of the access could be a safety issue. Garden centre would bring far more cars and delivery lorries and more traffic movements than 3 houses
- Direct neighbours would be affected by more noise and disturbance
- At least 4 garden centres within a 2 mile radius
- Garden centre plans do not contain any proposals to deal with water runoff
- Housing is desperately needed in the area
- This site has already been broken into by Travellers
- Site is tempting to travellers which is of great concern to those living nearby
- A final decision of the future of the site would be appreciated

APPLICANTS POINTS

The applicants original intention when he purchased the site was to develop a garden centre. However when he purchased the site he was approached by a local resident who suggested that the local community would prefer the site to be developed for residential purposes.

The site has been subject of considerable uncertainty for many years since planning permission was granted in 1993 for the redevelopment of the site to provide a garden centre.

The site is located to the south west of Swallowfield and lies approximately 1km from the centre of the village. The site is close to local facilities including Lambs Lane Primary School, the community centre, the village shop, public houses and the church. There are regular bus services from Swallowfield to nearby towns of Reading, Fleet and Aldershot and there are school buses to take children to nearby secondary schools.

Planning permission was granted under reference 40550 for the redevelopment of the site to provide a garden centre. This permission has been implemented by the provision of the new vehicular access and is therefore an extant permission. The development allowed for a building footprint of 1611m² and a hardstanding area of 4916m².

The number of residential units has been limited to 3 detached dwellings with a built footprint less than the garden centre, with less hardstanding. The new housing will be set back from the front of the site leaving room for a balancing pond, driveway and landscaping. The rear of the site will be left open.

In summary:-

- There is a realistic fallback position for a garden centre
- The proposal for 3 houses is preferable to the fallback position
- There will be less built form and hardsurfacing than the garden centre option
- The proposal has been designed to have a more rural appearance
- The site is within walking distance of bus stops and local facilities
- There is support from local residents
- Travellers have previously invaded the site

Comparison of Garden Centre to the current application for 3 dwellings:

	Garden Centre	3 dwellings
Building Footprint	1611m ²	834.6m ²
Floor Space	1611m ²	1378m ²
Hardstanding	4916m ²	1075m ²
Parking Spaces	102	9
Traffic Movements Monday - Friday	120	24
Traffic Movements Saturday / Sunday	215	24
Traffic movements Peak	350	24

PLANNING POLICY

NPPF

The National Planning Policy Framework was published on 27 March 2012 and is a material consideration in planning decisions.

Adopted Core Strategy (Adopted January 2010)

Policy CP1 – Sustainable Development

Policy CP3 – General Principles for Development

Policy CP4 - Infrastructure

Policy CP6 – Managing Travel Demand

Policy CP7 – Biodiversity

Policy CP8 – Thames Basin Heaths Special Protection Area

Policy CP11 – Proposals outside Development Limits (including countryside).

Adopted Managing Development Delivery Local Plan (Adopted February 2014)

Policy CC01 – Presumption in favour of sustainable development

Policy CC02 – Development limits

Policy CC04 – Sustainable design and construction

Policy CC07 – Parking

Policy CC09 – Sustainable Drainage

Policy TB07 – Internal space standards

Policy TB08 – Open space, sports and recreation facilities

Policy TB18 – Garden centres and other small rural units outside Development Limits

While the proposal is for residential development, this policy is included because of the potential fall back on the site for full implementation of the approved garden centre. Policy TB18 states that planning permission for proposals for the establishment or expansion of retail development outside development limits may be permitted.

The supporting text explains that appropriate forms of retail uses in the countryside can help support the rural economy; this recognises that the range of goods, services and facilities on offer at garden centres has diversified and seeks to ensure that uses remain ancillary to the primary business of the site as a garden centre.

Policy TB21 – Landscape Character

Policy TB23 – Biodiversity and Development

Borough Design Guide SPG (Adopted June 2012)

This gives guidance for residential development.

At point 2.2 (page 12) it states that to retain the quality of a local environment it is essential that development proposals respond positively to their context.

Design Guidance for rural development (that is development in the countryside) is found in Section 8 Rural and Settlement Edge. This provides guidance for extensions to existing dwellings and replacement dwellings, in line with the criteria set out in Policy CP11 of the adopted Core Strategy; it does not provide guidance for new houses as such development is generally not acceptable in the countryside.

PLANNING ISSUES

The Site and Surrounding Area

1. The site is located within the countryside south west of Swallowfield, north of Riseley and east of the A33 road. The site has been unused since about 1994, although before 1994 the front part of the site was previously used as a plant nursery and garden centre for about 30 years.
2. At present there is one building on site (a sales/office building of approximately 247sq m according to previous officers' reports) which is a single storey structure with a low pitched roof. Much of the site is hardsurfaced. The access point to the site, with visibility splays, has been constructed and was in place at the time the aerial photo of the site was taken in 2003. The site is generally level, although there are bunds within the site along some of the boundaries, which were put in place as part of the approved garden centre application on the site.
3. It should be noted that the mains sales building approved on the site (but not constructed) was single storey and mainly glazed; it would have looked like 5 linked greenhouses on the site.
4. The land between Swallowfield and Riseley is mainly open countryside and agricultural with sporadic development, consisting of spacious well landscaped residential development.

The Proposal

5. It is proposed to erect three detached houses. This is an outline planning application with only means of access to be determined at this stage. It should be noted that the access is already in place and there are no plans to change the access.
6. Indicative plans have been submitted showing the layout and potential elevations. The three dwellings were shown in a formal layout, in a line running around the curved internal access road. Although the Design and Access Statement refers to “the design approach being driven by more traditional form to create a collection of traditional style agricultural buildings that are found in the locality grouped together in a farmstead”, in fact the illustrative elevations showed buildings that looked like two storey dwellings with numerous windows at two storey level (while barn conversions, for instance tend to have limited windows at two storey level).
7. Further discussion has taken place with the applicants about siting and elevations; the amendments sought were for siting to achieve a more informal layout on site in line with the pattern of surrounding development and a significant reduction in the number of windows at first floor level to ensure buildings achieve a more rural appearance. A condition will be needed to ensure that details of siting and appearance are submitted to and approved by the Local Planning Authority (Condition 3).

Principle of Development

8. The National Planning Policy Framework has an underlying presumption in favour of sustainable development which is carried through to the Local Development Plan. The Managing Development Delivery Local Plan Policy CC01 states that planning applications that accord with the policies in the Development Plan for Wokingham Borough will be approved without delay, unless material considerations indicate otherwise.
9. Policies at both national and local level restrict development in the countryside. Garden centres can be acceptable in the countryside (although not necessarily in the Green Belt) on the basis that they can contribute to the rural economy. Residential development is not generally considered acceptable in the countryside, unless the Council cannot demonstrate that it has a five year housing land supply and there is no unacceptable harm caused by the proposal.
10. There are houses surrounding the site, but it is of particular note that three separate applications to develop the site for 25 houses, 6 houses and 3 houses have all been refused and dismissed on appeal because of the unacceptable impact on the countryside. The appeal decisions are a material consideration, because, while they are not recent decisions, both local and national planning policies still restrict development outside of development limits and in particular discourage residential development.
11. It is of particular note that the appeal for 3 houses was dismissed on the Inspectors assessment that in comparing the appearance and usage of the alternatives (residential or a garden centre) the residential proposals would be “marginally more harmful than the permitted “fallback” development which

however is unlikely to take place”.

12. It is therefore necessary to consider if the fallback development might take place and whether there are any changes to circumstances since the appeal decision in 1999 which might tip the balance in favour of the current proposal.

The “fallback” position

13. In respect of the fallback position, this involves the fact that planning permission has been granted for a garden centre. It is part implemented and the access, a sales/office building and hardsurfacing are already on site. While there is a time limit on when a development should start, there is no such limit for when a development must be completed. Therefore, even though the development was part implemented some years ago, the planning permission is still extant and can potentially be completed at any time.
14. The fallback argument centres around whether there is in fact any real likelihood that the planning permission will be implemented in full; if there is a real chance that it would be implemented, then a comparison between this planning approval and a new planning application can be taken into account. If there is no likelihood that the old consent will be implemented in full, then it can in effect be disregarded.
15. The Inspector in 1999 made it clear that he did not consider there was a fallback position. However, the issue of whether there was a fallback position was considered in detail at a Public Inquiry in 2009. In the most recent planning appeal in 2009, the Inspector was of the view that with an extensive marketing exercise there was a reasonable likelihood its development potential as a garden centre would be realised in the foreseeable future.
16. No evidence has been submitted with the current planning application to demonstrate that an extensive marketing exercise has taken place. However, The agent has confirmed the applicant’s discussions with other parties regarding their interest in participating in the establishment of the garden centre at this site. Copies of correspondence have been supplied to the Council. In summary these consist of:-
 - An email from a plant nursery in the Netherlands confirming interest in using the site as a wholesale base (No company name, so cannot look up if the company exist)
 - A letter from a plant nursery, Flower Vision in Staines confirming interest in using the site as a wholesale and retail nursery. (Flower Vision certainly exist and have outlets in a number of areas in the UK)
 - A letter from a reclamation company in London confirming interest in renting Balcombe Nurseries (Aladin’s Cave certainly exist and have premises in Lewisham)
 - A letter from a flower seller in Hanworth confirming interest in using the site to sell plants, shrubs, flowers and sundries to the public and wholesale (No information found on the web in connection with this company)

- A letter from a nursery in Stoke Poges confirming interest in renting the site to grow produce for the public and wholesale (Pinewood Nurseries certainly exist)
- A letter from Cadeby Tree Trust confirming interest in renting part of the site for their tree and plant business and container grown Christmas tree production (Cadeby Tree Trust certainly exist)
- A letter from a garden and indoor furniture manufacturer showing interest in selling their teak garden furniture, sheds and garden equipment at the site. (Annabella furniture manufacturers certainly exist)

17. While no extensive marketing exercise has taken place, the emails/letters do at least demonstrate that the owner of the site has made enquiries, and there have been expressions of interest from a number of commercial businesses to use the site. It may not be absolutely conclusive, but it does lend support to the fallback position. The responses would appear to be the result of an informal approach from the owner of Balcombe Nurseries and so it seems likely that an extensive marketing exercise as envisaged by the appeal inspector would result in significantly greater interest in using the site as a garden centre.
18. It is considered therefore that it can be accepted that there is a fallback position.

Potential changes in circumstances

19. It is not considered that there have been any significant changes in planning policy that would weigh in favour of the proposal. There is still strong protection for the countryside.
20. The following potential changes in circumstances do need to be considered; firstly any planning permissions granted since the 1999 appeal and secondly changes to the way garden centres operate.
21. There have been a number of planning applications since the 1999 appeal decision, most of them to enable greater flexibility for any potential garden centre operator. The most significant is considered to be planning application VAR/2004/1391, which allowed the rear part of the site (previously shown primarily for the outdoor display of plants) to be used for all items pertaining to a garden centre use, e.g. conservatories, caravans, fencing and plants and provided additional staff car parking. This would have meant a much larger area of hardsurfacing and potentially a much greater coverage of the site by hardsurfacing and structures than was the case at the time of the 1999 appeal.
22. For clarification a garden centre is defined as a primary use of land for the retail sale of goods to visiting members of the public (whether in buildings or outside) falls within Use Class A1. This was recognised in a court of appeal case Arun District Council v Wiggins 14/11/96.
23. Uses that have been found to be ancillary to a garden centre use on appeal include:-
- Sale and display of caravans, camping goods/equipment, sectional garages, sheds, and conservatories
 - Small scale manufacturing uses such as the making of concrete slabs or

ornaments, or the construction of garden furniture.

- Tenants selling a range of garden centre type goods

24. Certain activities may or may not be ancillary and include small scale manufacturing uses such as making of concrete slabs or ornaments, construction of garden furniture, servicing of garden equipment, lawn mowers etc. These can be ancillary if goods produced are sold in the garden centre. It is not unusual now for garden centres to have cafes/restaurants, butchers, bakers, garden furniture, and BBQ's.
25. It is considered that the nature of garden centres and the range of goods and services has changed considerably since 1999. This, together with the approval of planning permission in 2004 for more parking and a significantly larger area to be used for display of all items accepted in a garden centre, means that the garden centre permission if implemented in full would be more harmful than the permission considered by the Inspector in 1999.

Impact on character and appearance of the area

26. As has been touched on to some extent already in considering the fallback position, the proposal does result in harm to the countryside and the character and appearance of the area. This is due to the height of the buildings and the urbanising impact of residential development within the countryside.
27. However, it has been concluded that there is a fallback position, and that the approved garden centre would be more harmful to the character and appearance of the area and more detrimental to the countryside than the current proposal for three dwellings.
28. The proposal is different to that proposed and considered in 1999 in the following respects:-
- a large area of land to the rear of the dwellings would be maintained as open land with ecological enhancements
 - the houses are shown in a less formal pattern in the illustrative layout to reflect the pattern of development in the area
 - Increased spacing between the houses will ensure that the development appears spacious and there will be more scope to provide landscaping to ensure the development will integrate with the surrounding area
 - the houses are designed to look more like barns sitting within the countryside and with a significant reduction in windows at first floor level will be more sympathetic to the countryside setting of the site
29. It is accepted that there is a fallback position and that planning permission has been granted subsequent to the 1999 appeal for more intensive use of the site. When taken together with the more sympathetic development proposed, as described above, It is considered that the proposal would have a less harmful impact on the site than the garden centre would have if implemented in full.
30. The ecological enhancements and the incorporation of a balancing pond to improve drainage on the site are positive contributions to the character and appearance of the countryside.

31. Details would need to be provided at the reserved matters stage and so there is control over the levels, siting, design, landscaping and drainage.

Trees and Landscape

32. The site is located within the countryside to the south-west of the settlement boundary of Swallowfield. It is located along a WBC Green Route and falls within Landscape Character Area 11: Ashridge Farmed Clay Lowland. Some key characteristics of the landscape character area are:-
- Landscape of rolling to undulating landform punctuated by subtle ridgelines, creating gentle enclosure and providing distance views including views to the northern edge of Wokingham town.
 - Agricultural landscape defined by large open, geometric arable fields of irregular shape.
 - Large geometric blocks of deciduous woodland many of which are ancient woodland and shelterbelts creating a sense of woodland enclosure
 - Hedgerows are largely denuded by mature oak standards area common feature of fields and roadsides
33. The landscape is considered to be of moderate quality, of strong character and in moderate condition. The landscape strategy is to conserve the important characteristics of the landscape and to enhance and improve the condition of key elements. The landscape is considered to be of overall moderate sensitivity to development.
34. The provision of a balancing pond has the potential to provide good habitat for flora and fauna.
35. Aerial photos show many trees surrounding the site and therefore if this were submitted as a full application the applicant would need to supply a tree survey and Arboricultural Method Statement to demonstrate how these trees will be protected during any works.
36. Concerns were raised by the Trees and Landscape Section about the size of the proposed buildings and that they would not be in keeping in terms of scale which would require substantial tree planting to help reduce their visual impact and help assimilate them into the surrounding area. Concern was raised about the combined length of built form, that there did not appear to be any access to the paddocks at the rear of the dwellings. This led to questions about where field shelter, hardstanding would be located and where horseboxes would be parked while loading and unloading and any car parking associated with visiting horse owners.
37. Providing that the number of windows at first floor are reduced so that the buildings appear to be rural buildings within the countryside, and with re-siting so that the buildings have a more informal appearance in keeping with the pattern of development in the area, it is considered that the first concern raised can be overcome and condition 3 requires details of siting and design of the buildings. The re-siting of the buildings enables access to the land at the rear of the site which will be left free of development with ecological enhancement. The agent has indicated that the land to the rear of the site would be maintained by a

management company.

Ecology

38. There are no objections on ecology grounds and there are no protected species or priority habitat concerns.
39. The advice from the ecology officer is that there are ecological enhancements that can be provided, examples of which are:-
- Sewing the field to the west of the property with a suitable herb rich native seed mix
 - There are two known bat roosts within 150m of the site and the surrounding habitat shows good connectivity and looks very good for foraging. The new builds will be suitable for artificial roosts to be included in the building and at least 4 Schwegler Bat Tube style roosts on two different aspects could be fitted on elevations close to the existing hedgerows
 - There is a possibility to provide nest boxes suitable for Swift, Swallow, House Martin and House Sparrow.
 - The balancing pond may be suitable for amphibians and could be colonised by those already in the area. It could be improved by placement of a suitable native shrub and refugia pile area in the corner to the east.
 - To create better habitat connectivity, the planting of native trees species in the corners of the field near Balcombe Lodge and Brandywell to create canopy connection between the hedgerow and wooded areas would be an improvement.
 - Any landscaping of the gardens and entrance to include fruit bearing trees or native hedgerow species would be welcome.
40. The agent has provided a plan incorporating the measures set out above. These measures and the retention and maintenance of the land would need to be secured by a Section 106 Agreement.

Highways

41. There is an existing access from the site onto Basingstoke Road which Highways have advised is to a good standard, although it is over engineered for a small residential development. It should be noted that the access to the site has been in place for many years and so was designed for a garden centre rather than a residential use; nevertheless highways have confirmed that there are no highways issues in terms of safety.
42. Pedestrian access to the site should be improved by way of a new footway crossover linking to the footway on the opposite side of Basingstoke Road. Highways have suggested that this is incorporated on the north side of the existing access with a footway return into the site where the carriageway could become a shared surface.
43. Highways have advised that the indicative layout is acceptable in principle. For this number of dwellings (three) the road can be designed as a private drive with a 4.1m wide carriageway. The provision of a turning head for service/delivery vehicles should be designed into the layout. (These details can be incorporated into the reserved matters application at a later date).

44. The proposal would result in an overall reduction in traffic impact compared to the potential traffic generation of the lawful use of the site as a garden centre.
45. All plots indicated have large driveways and garages and the level of parking appears to exceed the Council's recommended provision.

Flooding/Drainage Issues

46. The site is within Flood Zone 1, where the risk of flooding is lowest. There has historically been some runoff from the site into the road, due in part to previous owners putting down hard core on large areas of the site.
47. Although the proposal is only for 3 houses, the site as a whole is quite large and a Flood Risk Assessment was submitted with the site, although the FRA submitted related to a possible five, not three houses. The NPPF requires all applications over 1 hectare (the site is over 2 hectares in size in total) to be accompanied by a Flood Risk Assessment. The Environment Agency have not submitted a response as they have stated that this is an application deemed to have a low environmental risk.
48. The Council's drainage consultant has objected on the basis that insufficient information has been submitted.
49. Thames Water have asked for a Grampian condition requiring a sustainable drainage strategy (condition 17).
50. Despite the objection from the drainage consultant based on lack of information, it is considered that given the majority of the site will not be developed and that large areas of hardsurfacing will be removed, it is considered that a satisfactory drainage scheme can be implemented. Details of the drainage scheme are required at the reserved matters stage (see condition 3) which means any issues must be considered at the earliest stage of the detailed proposals.

Loss of commercial business

51. As has already been pointed out by residents, there are a number of garden centres in quite close proximity to the application site (eg Dobbies and Henry Street). The loss of the commercial business on site would not therefore result in an unacceptable loss of a commercial business in the area. Given that residential properties surround three boundaries of the site, any alternative commercial use is likely to be unacceptable due to detrimental impact on residential amenity.

CIL

52. As the proposal is for the construction of new dwellings, it would be a CIL liable development. The CIL charge for new residential development is set at £365 per square metre for any net increase in residential floor space and the proposed floorspace is 1378m². As a result, the likely CIL charge for this development would be approximately £502,970. Should the application be approved, a CIL liability notice would be issued.

CONCLUSION

The proposed development for three houses is considered to be less harmful to the countryside and the character and appearance of the area than the approved garden centre proposal. The proposal includes ecological enhancement, and has room to provide significant landscaping improvements. The proposal also has the room to provide improvements in respect of surface water drainage. Approval is recommended accordingly.

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